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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,992	12/11/2003	Shyam Kumar Verma	208-6139CT	8307
20995 7590 01/16/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER KHAN, AMINA S	
			ART UNIT 1796	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/732,992

Applicant(s)

VERMA ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/1/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-63 and 73-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-63 and 73-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 1, 2007 has been entered.

2. Claims 43-63 and 73-77 are pending. Claims 1-42, 64-72 and 78-92 have been cancelled. Claims 43, 50, 73 and 76 have been amended.

3. All prior rejections are withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 43-63 and 73-77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 43,73 and 76, the limitation of "the sole and only absorbent" is considered new matter. The added limitation in the claim lacks literal basis in the specification as originally filed, see *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.* 738 F.2d 453 (Fed. Cir. 1984). Claims 44-63,74 and 75 are also rejected for being dependent on the rejected base claims and inheriting the same deficiency.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 53-63 and 73-77 recite the limitation transition metal halides. There is insufficient antecedent basis for this limitation in the claim. These compounds are known absorbents and claim 43 recites the only absorbent can be the claimed hydroxides.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 43-56 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al. (US 5,577,388) and Rockenefeller (US 5,186,009) in view of Verma et al. (WO 97/49842).

Chandler et al., teaches absorption fluids for use in refrigeration systems (column 4, lines 15-20), wherein the absorption working fluids comprise between 30-80% alkali metal hydroxides (column 1, line 65 to column 2, line 20) and corrosion inhibitors such as chromates, tungstates, nitrates or molybdates or other suitable corrosion inhibitors as disclosed in US 5,186,009 (column 4, lines 10-35). US 5,186,009 discloses transition metal halides of cobalt (column 1, lines 54-55). Chandler teaches the functional equivalence of halide and hydroxide refrigeration solutions (column 1, lines 40-45).

Chandler does not teach the heteropoly complex anion of transition metal element.

Verma et al., in the analogous art of anticorrosive refrigeration solutions, teaches absorption solutions for use in refrigeration systems with corrosion inhibiting effects (abstract) comprising at least one heteropoly complex ion of transition metal element (page 4, lines 1-35) in an amount to provide the desired corrosion inhibiting effect (page 9, lines 25-31). Verma further teaches the claimed heteropoly complex ions (column 3, lines 15-48) of the formulas claimed in claim 46, where X is phosphorous, manganese, tellurium or arsenic (page 8, lines 10-15) and M is molybdenum or tungsten (page 8, lines 18-29). Verma further teaches heteropoly complex anion selected from phosphomolybdates of the formula $[\text{PMo}_{12}\text{O}_{40}]^{-3}$, silicon molybdates, silicon tungstates, tellurium molybdates, arsenic molybdates, and mixtures thereof (page 8, lines 30-37;

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page 9, lines 1-10). Verma et al. teach that the corrosion inhibitors can be used singly or in combination with one another or other inhibitors (page 9, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the absorption fluids taught by Chandler et al. by incorporating the anticorrosive molybdates at the anticorrosive percentages as taught by Verma et al. because Verma et al. teaches that these compounds minimize corrosion when added to the refrigeration systems of metal halides. Furthermore, Chandler invites the inclusion of molybdate corrosion inhibitors and teaches the functional equivalence of halide and hydroxide refrigerants. It would have been further obvious to incorporate the transition metal halides of cobalt taught by Rockenfeller because Chandler invites the inclusion of corrosion inhibitors from this reference.

It would have It is prima facie obvious to combine the two compounds, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the absorption refrigeration solution art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

10. Claims 57-63 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al. (US 5,577,388) and Rockenfeller (US 5,186,009) in view of Verma

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et al. (WO 97/49842).as applied to the claims above, and further in view of Kujak et al. (US 5,783,104).

Chandler et al., Verma et al. and Rockenefeller are relied upon as set forth above.

Chandler et al., Verma et al. and Rockenefeller et al. do not teach compositions comprising germanium bromides.

Kujak et al., in the analogous art of refrigeration absorption solutions, teaches absorption solutions comprising corrosion inhibitors such as germanium bromide in an amount sufficient to inhibit corrosion (column 3, lines 55-67; column 4, lines 1-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the absorption fluids taught by Chandler et al., Verma et al. and Rockenefeller by incorporating germanium bromide as taught by Kujak et al. because Kujak et al. teaches that these compounds inhibit corrosion even when present in low concentrations on the refrigerant solutions (column 3, lines 64-68). It is prima facie obvious to combine the two compounds, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the absorption refrigeration solution art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

All disclosures of the prior art, including non-preferred embodiment, must be considered. See *In re Lamberti and Konort*, 192 USPQ 278 (CCPA 1967); *In re Snow* 176 USPQ 328 (CCPA 9173). Nonpreferred embodiments can be indicative of obviousness, see *Merck & Co. v. Biocraft Laboratories Inc.* 10 USPQ 2d 1843 (Fed. Cir. 1989); *In re Lamberti*, 192 USPQ 278 (CCPA 1976); *In re Kohler*, 177 USPQ 399. A reference is not limited to the working examples, see *In re Fracalossi*, 215 USPQ 569 (CCPA 1982).

11. Claims 57-60,62 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al. (US 5,577,388) and Rockenefeller (US 5,186,009) in view of Verma et al. (WO 97/49842), as applied to the claims above, and further in view of Takahashi (JP402296888).

Chandler et al., Verma et al. and Rockenefeller are relied upon as set forth above.

Chandler et al., Verma et al. and Rockenefeller do not teach compositions comprising antimony oxides or cobalt chloride.

Takahashi, in the analogous art of refrigeration absorption solutions, teaches absorption solutions comprising the corrosion inhibitor antimony trioxide (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the absorption fluids taught by Chandler et al., Verma et al. and Rockenefeller by incorporating antimony trioxide as taught by Takahashi because Takahashi teaches that these compounds have high corrosion inhibiting

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capabilities when included in absorbent liquids for refrigerating machines (abstract). It is prima facie obvious to combine the compounds, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the absorption refrigeration solution art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

12. Claims 57-60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al. (US 5,577,388) and Rockenefeller (US 5,186,009) in view of Verma et al. (WO 97/49842), as applied to the claims above,, and further in view of Yazaki Corp (JP01174588).

Chandler et al., Verma et al. and Rockenefeller are relied upon as set forth above.

Chandler et al., Verma et al. and Rockenefeller do not teach compositions comprising antimony oxides.

Yazaki Corp, in the analogous art of refrigeration absorption solutions, teaches absorption solutions comprising diantimony trioxide (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the absorption fluids taught by Chandler et al., Verma et al. and Rockenefeller by incorporating diantimony trioxide as taught by Yazaki Corp

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because Yazaki Corp teaches that these compounds form dense protective films on the surface of steel and copper and provide improved corrosion controlling effects in refrigeration machines (abstract). It is prima facie obvious to combine the compounds, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the absorption refrigeration solution art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

13. Claims 57-60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al. (US 5,577,388) and Rockenefeller (US 5,186,009) in view of Verma et al. (WO 97/49842), as applied to the claims above, and further in view of Greenley et al. (US 3,200,604).

Chandler et al., Verma et al. and Rockenefeller are relied upon as set forth above.

Chandler et al., Verma et al. and Rockenefeller do not teach compositions comprising antimony oxides.

Greenley et al., in the analogous art of refrigeration absorption solutions, teaches absorption solutions comprising corrosion inhibitors such as oxides of antimony (page 5, lines 60-75; column 6, Tables I and III; column 8, lines 60-70). Greenley et al. further teaches that the antimonial coatings are corrosion resistant while at the same time have

the property of tending to inhibit those metal portions of absorption refrigeration machines which are subject to corrosion by being in contact with absorbent solution. Greenley et al. further teaches these compositions provide superior corrosion resistant properties at relatively high temperatures even when substantial oxygen is present in the system to cause oxidation to the metal surfaces (column 9, lines 15-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the absorption fluids taught by Chandler et al., Verma et al. and Rockenfeller by incorporating antimony oxides as taught by Greenley et al. because Greenley et al. teaches that these compounds form dense protective films on the surface of steel and copper and provide a marked decrease in corrosion rates in refrigeration machines (column 5, lines 65-76; column 7, lines 60-75). It is prima facie obvious to combine the compounds, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the absorption refrigeration solution art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

14. Claims 76 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler et al. (US 5,577,388) and Rockenfeller (US 5,186,009) in view of Verma

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et al. (WO 97/49842) in view of Greenley et al. (US 3,200,604), as applied to the claims above, and further in view of Cheng et al. (US 5,871,667).

Chandler et al., Verma et al., Rockenefeller and Greenley et al. are relied upon as set forth above.

Chandler et al., Verma et al., Rockenefeller and Greenley et al. do not teach compositions comprising antimony tribromide. However, Greenley et al. clearly teaches Sb_2O_4 and Sb_2O_3 .

Cheng et al. teaches the equivalent anticorrosive properties antimony tribromides and various antimony oxides such as Sb_2O_4 and Sb_2O_3 (page 5, 1-30). Cheng et al. further teaches that these compositions are highly effective in inhibiting corrosion of ferrous metals such as steel (column 1, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the absorption fluids taught by Chandler et al., Verma et al., Rockenefeller and Greenley et al. by substituting antimony tribromides for antimony oxides as taught by Cheng et al. because Cheng et al. teaches the equivalence of antimony tribromides and antimony oxides in effectively inhibiting corrosion of metals such as steel a common component of refrigeration systems. The substitution of art recognized equivalents only involves routine skill in the art. A person of ordinary skill in the absorption refrigeration solution art would have been motivated to combine the references absent unexpected results.

Response to Arguments

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15. Applicant's arguments filed regarding the Verma, Chandler, Kujak, Takahashi, Yakaki Corp., Greenley and Chang references have been fully considered but they are not persuasive.

The applicant argues:

Chandler et al. only requires hydroxide absorbents in the refrigerant compositions with the addition of corrosion inhibitors. The secondary references are only relied upon for the addition of known corrosion inhibitors. Therefore, the claimed limitations are met.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

AK
January 10, 2008

Lorna M. Douyon

**LORNA M. DOUYON
PRIMARY EXAMINER**